

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANCISCO VEGA, JR.,

Plaintiff,

v.

M. SOTO, et al.,

Defendants.

1:22-cv-000471-JLT-EPG (PC)

ORDER DIRECTING SERVICE OF
SUBPOENA BY THE UNITED STATES
MARSHALS SERVICE

(ECF No. 84)

ORDER DIRECTING CLERK OF COURT TO
(1) SIGN THE RETURNED SUBPOENA;
AND (2) ATTACH COPY OF SUBPOENA
DOCUMENTS TO THIS ORDER

Plaintiff Francisco Vega, Jr., is a state prisoner proceeding *pro se* in this civil rights action. This case proceeds on Plaintiff's First Amendment retaliation claims against Defendants Soto, Noujaime, and Borba. (ECF No. 15).

On February 28, 2024, the Court issued an order permitting Plaintiff to fill out and return for service by the United States Marshals Service a subpoena form (AO 88A and also the form for Marshal service USM-285) to be used to subpoena Javier Robles to attend a deposition. (ECF No. 84). Plaintiff has now returned the subpoena documents.¹

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¹ The Court makes no representations as the correctness of the information that Plaintiff filled out on the forms. It is Plaintiff's responsibility to provide accurate information on the forms.

Accordingly, IT IS ORDERED as follows:

1. The Clerk of Court shall sign the returned subpoena form (AO 88A). Fed. R. Civ. P. 45(a)(3) (“The clerk must issue a subpoena, signed but otherwise in blank, to a party who requests it.”).
2. The Clerk of Court shall forward the following documents to the United States Marshals Service:
 - a. One (1) completed, signed, and issued subpoena;
 - b. One (1) completed USM-285 form; and
 - c. Two (2) copies of this order, one to accompany the subpoena and one for the United States Marshals Service.
3. The Clerk of Court is directed to attach a copy of the completed subpoena and the USM-285 form to this order when filing this order.
4. Within fourteen (14) days from the date of this order, the United States Marshals Service SHALL effect personal service of the subpoena, along with a copy of this order pursuant to Rule 45 of the Federal Rules of Civil Procedure and 28 U.S.C. § 566(c).
5. The United States Marshals Service is DIRECTED to retain a copy of the subpoena in its file for future use.
6. Within ten (10) days after personal service is effected, the United States Marshals Service SHALL file the return of service.
7. Plaintiff is reminded that he is required to pay the costs for service incurred by the United States Marshals Service.

IT IS SO ORDERED.

Dated: April 22, 2024

/s/ Eric P. Shoup
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the

ISSUED

FRANCISCO VEGA, JR.,

Plaintiff

v.

Mr. Soto, et al.,

Defendant

Civil Action No.

1:22-CV-000471-JLT-EPG

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: JAVIER ROBLES

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters: Events surrounding July, 27, 2021 at V.S.P.

Place: Via Zoom meeting provided by:
Calendar@fresnodepositionreporters.com

Date and Time: May, 22, 2024
9:00 am

The deposition will be recorded by this method: _____

☐ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 4/22/2024

CLERK OF COURT

Keith Holland, Clerk OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) F. Vega Jr.
#618832 P.O. Box 5248, Covington, La. 703212, who issues or requests this subpoena, are:

Plaintiff FRANCISCO VEGA JR.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PLAINTIFF <i>FRANCISCO VEGA, JR.,</i>	COURT CASE NUMBER <i>1:22-cv-000471-JLT-EPG</i>
DEFENDANT <i>M. Soto, et al.,</i>	TYPE OF PROCESS <i>Subpoena</i>

SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN <i>Javier Robles</i>
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) <i>Last known Address: 121 N. Madera Salinas, Ca. 93905</i>

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW <i>FRANCISCO VEGA, JR. #678632 P.O. BOX 5248 A3-14 CORCORAN, CA. 93212</i>	Number of process to be served with this Form 285
	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):
*Cell #: 831-296-6125
e-mail: javier.robles.84@gmail.com
LAST KNOWN ADDRESS (MOTHER'S ADDRESS): 121 N. Madera Salinas, Ca. 93905* *He answers calls & messages*

Signature of Attorney other Originator requesting service on behalf of: <i>[Signature]</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <i>N/A</i>	DATE <i>04/16/24</i>
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
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Address (complete only different than shown above)	Signature of U.S. Marshal or Deputy
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Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
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REMARKS